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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,157	10/30/2006	Lars-Olof Ohrnell	66352-047	9208
25269	7590	12/10/2009	EXAMINER	
DYKEMA GOSSETT PLLC			LAWSON, MATTHEW JAMES	
FRANKLIN SQUARE, THIRD FLOOR WEST				
1300 I STREET, NW			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			3775	
			MAIL DATE	DELIVERY MODE
			12/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/588,157	OHRNELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MATTHEW LAWSON	3775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 August 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/26/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim s 10, 17, and 23 are recites the limitation "the dental anchoring member" in Claim 11, line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

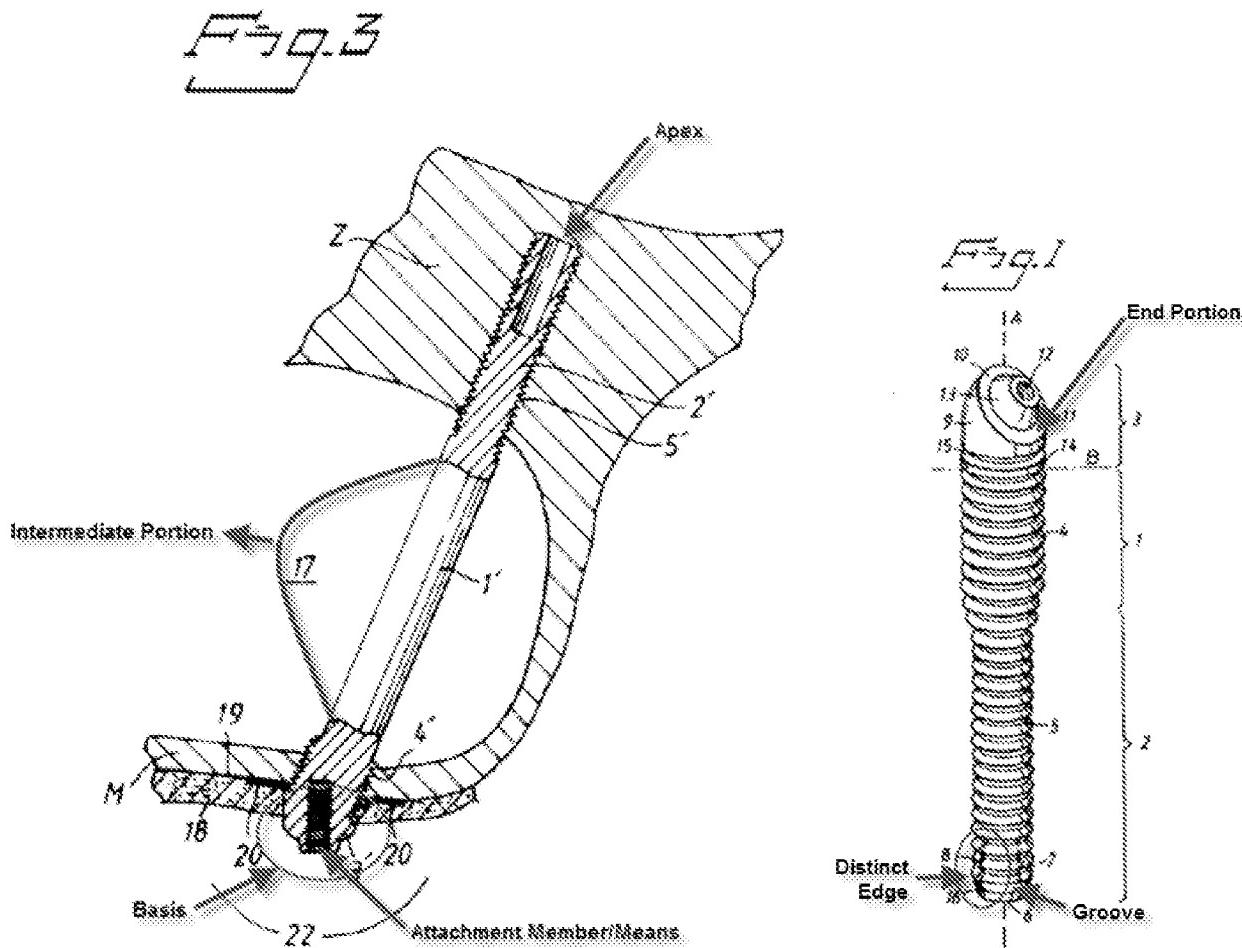
Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Branemark (EP 0599794 A2).

Branemark discloses an anchoring element for fixation in a first bone tissue and in a second bone tissue (figure 2), the first and second bone tissues being separated by non-bone tissue, the anchoring element being elongated (figure 3) and comprising an apex (see figure below) and a first fixation portion (2', figure 3) disposed at the apex, both adapted for fixation in the first bone tissue, a basis (see

figure below), and a second fixation portion (3', figure 3) disposed at said basis and adapted for fixation in the second bone tissue, and an intermediate portion (see figure below) positionable in the non-bone tissue separating the first and second bone tissues, wherein the second fixation portion has the form of a truncated cone (figure 3) having a smaller basis adjacent to the intermediate portion and a larger basis forming the basis of the anchoring element (figure 3); the first bone tissue is located in the os zygomaticum, and the second bone tissue is located in the maxilla (figure 2), and an anchoring element wherein an attachment means intended for a denture or a dental bridge is arranged at the basis of the anchoring element (page 4, lines 28-31) wherein the first fixation portion has the form of a truncated cone having the smaller basis adjacent to the apex and the larger basis adjacent to the intermediate portion (figure 3); the first and second fixation portions and the intermediate portion together have the form of a truncated cone having a smaller basis adjacent to the apex and a larger basis forming the basis of the anchoring element (figure 3); the first (5', figure 3) and second (4', figure 3) fixation portions are threaded wherein the second fixation portion comprises at least one recess (8, figure 1) transverse to the threads and disposed at the intermediate portion, comprising a distinct edge (see figure below) transverse to the threads, which edge provides a groove (see figure below) forming cutting unit (page 4, lines 16-18), and the intermediate portion has a smooth outer surface (figure 3, abstract, page 5, lines 4-7), and the outer surface of the intermediate portion, the surface limited by the valleys of the threads of the threaded first fixation portion, and the surface limited by the valleys of the threads of a threaded second fixation portion are portions of the

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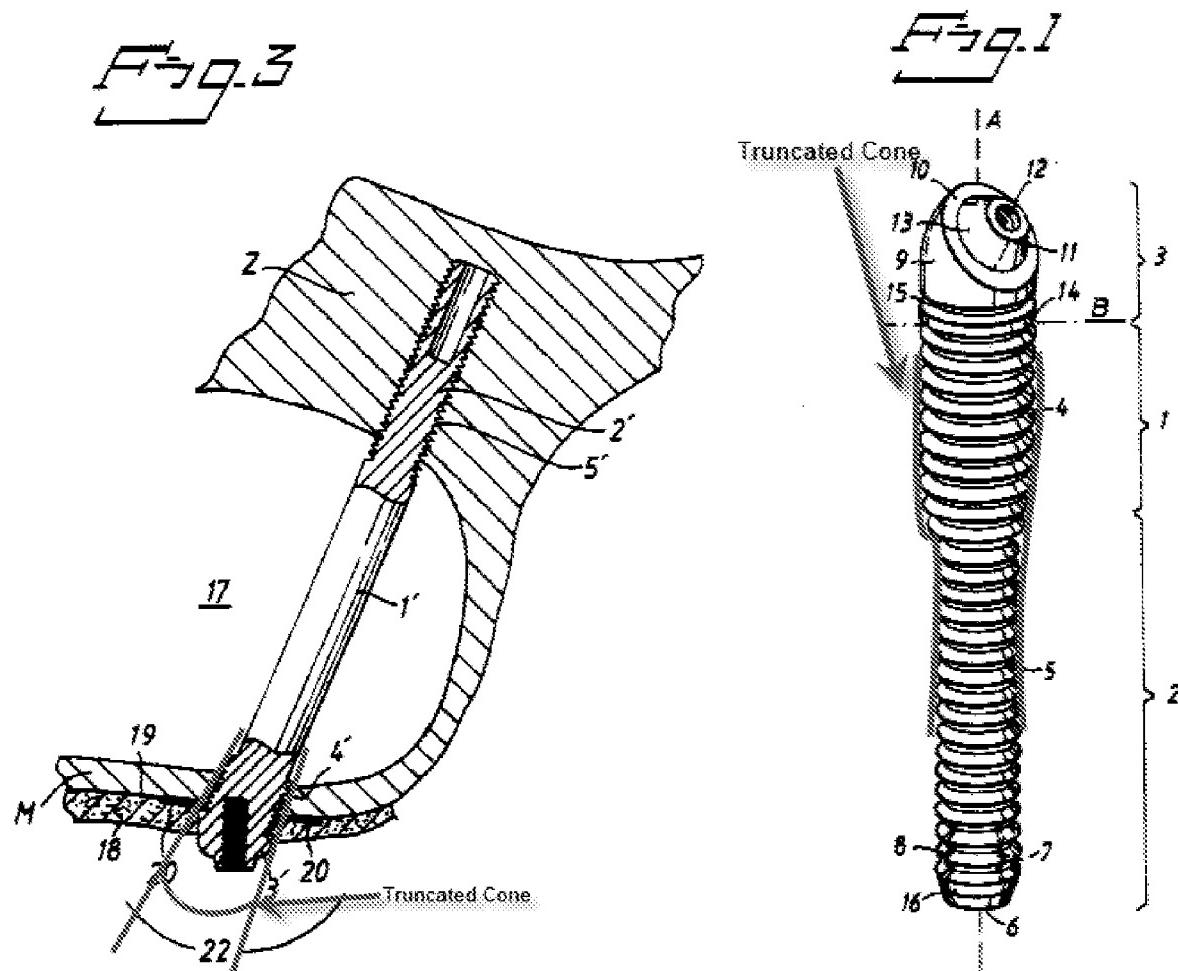
envelope surface of the same truncated cone (figure 3). The attachment means further having an attachment hole (12, figures 1 and 3) and at least one contact surface (11, figure 1 and 3) for the denture or the dental bridge, and the attachment hole is arranged at an angle to the longitudinal axis of the dental anchoring unit (figures 1 and 3), and the end portion has a smooth outer surface (see figure below).



### ***Response to Arguments***

Applicant's arguments filed August 26<sup>th</sup>, 2009 have been fully considered but they are not persuasive. The applicant contends that the device of Branemark is not a

truncated cone and is instead “*substantially cylindrical*”. All cones are substantially cylindrical and the device shown in both figure 1 and figure 3 is indeed a truncated cone as shown below to better clarify the examiners stance. Further Branemark does indeed teach a distinct edge which provides a groove forming cutting unit as disclosed annotated figure attached above.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW LAWSON whose telephone number is (571)270-7375. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. L./  
Examiner, Art Unit 3775

/Thomas C. Barrett/  
Supervisory Patent Examiner, Art  
Unit 3775